

Tuesday, July 12, 1983

Senate

Chamber Action

Routine Proceedings, pages 18581-18685

Measures Introduced: Twelve bills and one resolution were introduced, as follows: S. 1598-1609, and S. Con. Res. 52. Page 18635

Omnibus Defense Authorizations, 1984: Senate continued consideration of S. 675, authorizing funds for fiscal year 1984 for the Department of Defense, with a committee amendment in the nature of a substitute (waiving section 402(a) of the Congressional Budget Act of 1974), agreeing to amendments proposed thereto, as follows: Pages 18593, 18602

(1) Byrd Amendment No. 1458, prohibiting funds for the Advanced Technology Bomber program from being used for any other purpose. Page 18595

(2) Goldwater Amendment No. 1459, authorizing research and development reprogramming by the Air Force. Page 18602

(3) Warner Amendment No. 1460, reallocating funds to ensure development of the Army's Tactical Embedded Computer Development Project. Page 18603

(4) Tower (for Dole) Amendment No. 1461, requiring a report from the Secretary of Defense in every case where he intends to obligate funds to commence or carry out full-scale production of a weapon system which has not yet successfully completed operational testing. Page 18607

(5) By 47 yeas to 42 nays, Tower Amendment No. 1462, permitting the use of funds for Project 82-D-109, if such project is certified as being essential to national security. Page 18608

(6) Johnston Amendment No. 1463, providing authority for the cost of certain liver transplants to be covered under CHAMPUS. Page 18614

(7) Goldwater Amendment No. 1464, permitting the award of campaign and service medals to certain persons whose service to the Armed Forces is considered to be active duty for purposes of laws administered by the Veterans' Administration. Page 18619

(8) By 8 yeas to 7 nays, Specter Amendment No. 1465, providing that it is the sense of the Senate that the President of the United States and the President of the Soviet Union should meet at the earliest practical time to discuss major issues in U.S.-Soviet relations and to work for the realization of mutual, equitable and verifiable reductions in nuclear arms. Page 18619

During consideration of this measure today, the Senate also took the following action:

By 86 yeas to 5 nays, agreed to a motion to request the attendance of absent Senators. Page 18604

Senate will continue consideration of the bill and amendments proposed thereto on Wednesday, July 13.

Message From the President: Senate received the following message from the President:

Transmitting the Fair Housing Amendments Act of 1983, which was referred to the Committee on the Judiciary. (PM-67) Page 18628

Nomination Confirmed: Senate confirmed the following nomination:

Ford Barney Ford, of California, to be Under Secretary of Labor. Page 18655

Messages From the President: Page 18628

Messages From the House: Page 18629

Petitions and Memorials: Page 18630

Communications: Page 18629

Statements on Introduced Bills: Page 18636

Amendments Submitted: Page 18663

Notices of Hearings: Page 18664

Committee Authority To Meet: Page 18664

Additional Statements: Page 18664

Nominations Confirmed: Page 18685

Quorum Call: One quorum call was taken today. (Total—9) Page 18604

Record Vote: Three record votes were taken today. (Total—183) Pages 18604, 18619, 18622

Recess: Senate convened at 10:30 a.m., and recessed at 7:52 p.m., until 11 a.m., on Wednesday, July 13, 1983.

Committee Meetings

COMMODITY DISTRIBUTION AND FOOD ASSISTANCE

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Nutrition concluded oversight hearings on the commodity distribution program, and to review implementation of the Emergency Food Assistance Act of 1983 (P.L. 98-8), after receiving testimony from Representative Cooper Evans; John W. Bode, Deputy Assistant Secretary of Agriculture for Consumer Service; Charles Palmer, Assistant Commissioner, Iowa State Department of Social Services, Des Moines; JoAnn Elliott, Prescott Neighborhood Association, Kansas City, Kansas; Beverly Gabrio, Food Oversight Operation Distribution Program (FOOD), Seattle, Washington; Robert Dippre, Pennsylvania Department of Agriculture, Harrisburg; Susan Fridy, National Milk Producers Federation, Arlington, Virginia; Robert F. Anderson, National Cheese Institute, Chicago, Illinois; and Larry

Miner, Interreligious Task Force on U.S. Food Policy, Rick Stack, Greater Capital Area Food Bank Program, and Wayne Nelson, National Wheat Growers, all of Washington, D.C.

APPROPRIATIONS—MILITARY CONSTRUCTION

Committee on Appropriations: Subcommittee on Military Construction approved for full committee consideration with amendments H.R. 3263, appropriating funds for fiscal year 1984 for military construction programs of the Department of Defense.

APPROPRIATIONS—TRANSPORTATION

Committee on Appropriations: Subcommittee on Transportation and Related Agencies approved for full committee consideration with amendments H.R. 3329, appropriating funds for fiscal year 1984 for the Department of Transportation and related agencies.

NOMINATION

Committee on Energy and Natural Resources: Committee concluded hearings on the nomination of William P. Pendley, of Wyoming, to be Assistant Secretary of the Interior for Energy and Minerals, after the nominee, who was introduced by Senator Simpson, testified and answered questions in his own behalf.

WETLANDS CONSERVATION

Committee on Environment and Public Works: Subcommittee on Environmental Pollution held hearings on S. 978 and S. 1329, bills to provide financial assistance to States for wetlands conservation, focusing on acquisition of wetlands property, regulation of landowners' usage, prohibition of Federal development funds for roads and sewers in wetlands areas, and tax incentives for landowners who donate wetlands property or easements to government or private conservation groups, receiving testimony from James G. Watt, Secretary of the Interior; Sharron Stewart, Member, National Advisory Committee on Oceans and Atmosphere; Peter Mott, Florida Audubon Society, Maitland; and Lawrence Young, National Association of Realtors, Mark Permar, American Land Development Association, Robert P. Davison, National Wildlife Federation, William Y. Brown, Environmental Defense Fund, Jack Berryman, International Association of Fish and Wildlife Agencies, Lonnie Williamson, Wildlife Management Institute, Michael Dennis, The Nature Conservancy, and Neil Sampson, National Association of Conservation Districts, all of Washington, D.C.

Hearings were recessed subject to call.

WATERSHED PROJECTS

Committee on Environment and Public Works: Subcommittee on Water Resources concluded hearings on the following proposed Soil Conservation Service small watershed projects:

Brundage Watershed, Idaho, after receiving testimony from Senator Symms;

Los Olmos Creek Watershed, Texas, after receiving testimony from Senator Bentsen; Representative de la Garza; and Edgar H. Nelson, Director, and Edward G. Riekert, Assistant Director, both of the Basin and Area Planning Division, Soil Conservation Service, Department of Agriculture;

South Fork Licking River Watershed, Ohio, after receiving testimony from Representatives Clarence Miller and Kaisch; and Gordon Postle, South Licking Conservancy District, Newark, Ohio;

Calapooya Creek Watershed, Oregon, after receiving testimony from Representative Weaver; and John Youngquist and Bruce Long, both of Douglas County, Oregon; and

Elk Creek Watershed, Kansas, after receiving testimony from Representative Slattery.

HEALTH CARE COVERAGE FOR UNEMPLOYED

Committee on Finance: Committee began markup of S. 951, to provide continued health protection for certain individuals who lost their health insurance coverage as a result of being involuntarily unemployed, but did not complete action thereon, and will meet again tomorrow.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items: S. 869, to authorize funds for fiscal years 1984 and 1985 for the Export-Import Bank of the United States, with amendments; and

The nomination of David M. Abshire, of Virginia, to be U.S. Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador.

SERIAL MURDERS

Committee on the Judiciary: Subcommittee on Juvenile Justice held hearings on pattern or serial murders, to review the method used to track and analyze multiple murders and violent crime (VI-CAP), and to discuss the effort between the FBI, state and local law enforcement agencies to identify, locate and apprehend criminals, receiving testimony from Roger L. Depue, Unit Chief, Behavioral Science Unit, Instructional Services Branch, Training Division, Federal Bureau of Investigation Academy, Department of Justice; Ann Rule, Seattle, Washington; John Walsh, Hollywood, Florida; and Pierce Brooks, Vida, Oregon.

Hearings were recessed subject to call.

LEGAL SERVICES CORPORATION

Committee on Labor and Human Resources: Committee resumed oversight hearings on the certain activities

of the Legal Services Corporation, focusing on past policies at the corporation, and political and union activism, receiving testimony from Dan Bradley, Du Fresne & Bradley, Miami, Florida; Clint Lyons, and Hulett H. Askew, both the National Legal Aid and Defender Association, and C. H. Fields, American Farm Bureau Federation, all of Washington, D.C.; Gary Singsen, Boston, Massachusetts; Judith A. Brechner, Florida State Board of Education, Tallahassee; James Breeden, and Diana Pullin, both of the Center for Law and Education, Cambridge, Massachusetts; and Stephen Hanlon, Tampa, Florida.

Hearings continue on Friday, July 15.

JUDICIAL ACCESS AND THE ELDERLY

Committee on Labor and Human Resources: Committee held oversight hearings to review legal problems of the elderly, receiving testimony from M. Jean Handlesman, Deputy Commissioner, Administration on Aging, Office of Human Development Services, Department of Health and Human Services; Gregg Hartley, Director, Office of Field Services, Legal Services Corporation; Russell Proffitt, Iowa Association of Area Agencies on Aging, Karen Tynes, Iowa Commission on Aging, and Daniel L. Power, Drake University Law School, all of Des Moines, Iowa; Jonathan Weiss, Legal Services for the Elderly, New York City; and Wayne Moore, American Association of Retired Persons, Burton Fretz and Bruce Fried, both on behalf of the National Senior Citizens Law Center, and Nancy Coleman, American Bar Association, all of Washington, D.C.

House of Representatives

Chamber Action

Bills Introduced: 23 public bills, H.R. 3519–3541; 2 private bills, H.R. 3542 and 3543; and 3 resolutions, H.J. Res. 317, H. Con. Res. 141, and H. Res. 261 were introduced.

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Bills Reported: Reports were filed as follows:

H.R. 3385, to provide equity to cotton producers under the payment-in-kind program, amended (H. Rept. 98–289); and

H. Res. 261, providing for the consideration of H.R. 2760, to amend the Intelligence Authorization Act for Fiscal Year 1983 to prohibit United States support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America (H. Rept. 98–290).

Page 18797

Subcommittee To Sit: Subcommittee on Intergovernmental Relations and Human Resources of the Committee on Government Operations received permission to sit during proceedings of the House under the 5-minute rule on Wednesday, July 13.

Page 18687

Committee Resignation: Read and accepted a letter from Representative Boxer wherein she resigns as a member of the Committee on Interior and Insular Affairs.

Page 18688

Suspensions: House voted to suspend the rules and pass the following bills:

Boat safety: H.R. 2163, amended, to amend the Federal Boat Safety Act of 1971;

Page 18688

Fish and Wildlife Foundation: H.R. 2809, amended, to establish a United States Fish and Wildlife Foundation. Agreed to amend the title; and

Page 18698

Canal Zone Biological Area: S. 929, to amend the Act of July 2, 1940, as amended, pertaining to appropriations for the Canal Zone Biological Area—clearing the measure for the President.

Page 18701

Fair Housing: Received and read a message from the President wherein he transmits the Fair Housing Amendments Act of 1983—referred to the Committee on the Judiciary and ordered printed (H. Doc. 98–81).

Page 19703

Economic Development: By a yea-and-nay vote of 306 yeas to 113 nays, Roll No. 240, the House passed H.R. 10, to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

Agreed to the Public Works and Transportation Committee amendment in the nature of a substitute.

An amendment that prohibits assistance for projects intended to relocate industrial or commercial plants unless the Secretary finds that such relocation would not adversely affect unemployment or the economic base of the area from which the plant is leaving; provides for a study of the costs of financing the construction of necessary public facilities; and changes the definition of an Indian tribe to include tribes not recognized by the Department of the Interior if the tribe is recognized by the State in which it is located.

Rejected:

An amendment that sought to require the Secretary of Commerce to conduct a study of the impact on employment opportunities of Federal laws and regulations promulgated or covered under this bill (rejected by a recorded vote of 170 yeas to 245 nays, Roll No. 238). A point of order was sustained against a similar amendment; and

An amendment that sought to permit the Secretary to waive the requirements of any rule or regulation promulgated under any Federal law under this bill if an eligible unit of local government dem-

onstrates that such waiver will result in a substantial increase in the level of employment which is available within the jurisdiction of such government (rejected by a recorded vote of 148 ayes to 270 noes, Roll No. 239). Page 18734

Subcommittee To Sit: Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary received permission to sit during proceedings of the House on Wednesday, July 13 and Thursday, July 14. Page 18734

Housing Recovery: House continued consideration of H.R. 1, to amend and extend certain Federal laws that establish housing and community and neighborhood development and preservation programs; but came to no resolution thereon. Proceedings under the 5-minute rule will continue on Wednesday, July 13.

Agreed To:

An amendment that reduces authorization levels for certain programs in the bill;

An amendment that provides for offsets of charges against properties owned by persons of low and moderate income for capital costs of public improvements;

An amendment that holds harmless small cities and towns that would otherwise not be eligible for Urban Development Action Grants until the Secretary revises the standards for eligibility and includes the extent of unemployment as a standard of distress for such cities;

An amendment that permits pet ownership in assisted rental housing for the elderly or handicapped;

An amendment that provides that the Secretary may not deny home ownership mortgage insurance on the basis that a mortgage involves a two- to three-family dwelling or is to be used to finance substantial rehabilitation rather than new construction;

An amendment that prohibits the Secretary from selling any mortgage held by the Secretary as security for a loan made under housing assistance for the elderly and handicapped;

An amendment that provides for a reasonable distribution of multifamily rental production assistance between units occupied by elderly or handicapped families and other families or individuals;

An amendment that provides that the relative extent of unemployment should be given principal consideration in allocating assistance under any demonstration program administered by the Secretary; and

An amendment that provides for single-family mortgage insurance on Hawaiian home lands.

Rejected an amendment, as amended, that sought to prohibit Federal assistance under the multifamily rental production program to communities that place rent control on projects built after the date of

enactment, other than projects developed with State or local government assistance (rejected by a recorded vote of 206 ayes to 208 noes, Roll No. 241).

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Quorum Calls—Votes: One quorum call, one ye-and-nay vote, and three recorded votes developed during the proceedings of the House today and appear on pages 18708, 18719, 18723, 18733, 18770.

Adjournment: Met at noon and adjourned at 6:31 p.m.

Committee Meetings

COOPERATIVE STATE FORESTRY RESEARCH AND EXTENSION AMENDMENTS

Committee on Agriculture: Subcommittee on Forest, Family Farms and Energy held a hearing on H.R. 2839, Cooperative State Forestry Research and Extension Amendments of 1983. Testimony was heard from Representative Emerson; departmental, and public witnesses.

ARMS CONTROL MATTERS

Committee on Armed Services: Subcommittee on Procurement and Military Nuclear Systems, Arms Control and Disarmament Panel continued hearings on arms control matters. Testimony was heard from Richard N. Perle, Assistant Secretary for International Security Policy, Department of Defense.

OVERSIGHT

Committee on the District of Columbia: Subcommittee on Judiciary and Education held an oversight hearing on Prison Overcrowding and Alternative Sentencing in the District of Columbia. Testimony was heard from the following officials of the District of Columbia: James Palmer, Director, Department of Corrections, and Francis Carter, Director, Public Defenders Service; Stanley S. Harris, U.S. Attorney, District of Columbia, and public witnesses.

NATURAL GAS POLICY ADJUSTMENTS ACT

Committee on Energy and Commerce: Subcommittee on Fossil and Synthetic Fuels continued markup of the Natural Gas Policy Adjustments Act of 1983.

Will continue tomorrow.

FOREIGN TRADE PRACTICES ACT

Committee on Foreign Affairs: Subcommittee on International Economic Policy and Trade held a hearing on H.R. 2157, Foreign Trade Practices Act of 1983. Testimony was heard from John M. Fedders, Director, Enforcement Division, SEC, and Jonathan Rose, Assistant Attorney General, Office of Legal Policy, Department of Justice.

GSA REAL PROPERTY DISPOSAL

Committee on Government Operations: Subcommittee on Government Activities and Transportation held a hearing on GSA Surplus Real Property Disposal. Testimony was heard from Representatives Boxer, Lloyd, Seiberling, Schneider, Panetta, and Akaka on behalf of HefTel.

JOBS TRAINING PARTNERSHIP ACT

Committee on Government Operations: Subcommittee on Manpower and Housing held a hearing on implementation of the Jobs Training Partnership Act. Testimony was heard from public witnesses.

Hearings continue July 14.

PAYMENT-IN-LIEU-OF-TAXES

Committee on Interior and Insular Affairs: Subcommittee on Energy and the Environment held a hearing on H.R. 2071, to amend the Payments in Lieu of Taxes Act (31 U.S.C. 1601-1607). Testimony was heard from Representative Emerson; Arnold Petty, Deputy Director, Management Services, Bureau of Land Management, Department of the Interior, and public witnesses.

PREFERENCE ELIGIBLES

Committee on Post Office and Civil Service: Subcommittee on Human Resources held a hearing on H.R. 828, to prohibit the contracting of certain Federal positions reserved for preference eligibles, and H.R. 829, to amend title 5, United States Code, to prohibit the contracting of certain Federal positions reserved for preference eligibles. Testimony was heard from public witnesses.

Hearings continue July 14.

AIRCRAFT CABIN SAFETY

Committee on Public Works and Transportation: Subcommittee on Investigations and Oversight held a hearing on the failure of the FAA to update safety standards for interior cabin materials. Testimony was

heard from Representative Biaggi and James E. Burnett, Chairman, National Transportation Safety Board.

Hearings continue tomorrow.

AMENDMENT TO THE INTELLIGENCE AUTHORIZATION ACT OF FISCAL YEAR 1983

Committee on Rules: Granted a modified open rule; providing for a four hour secret session of the Committee of the Whole House on the State of the Union—the first two hours for a confidential briefing from the Permanent Select Committee on Intelligence, the second two hours for general debate on H.R. 2760, to amend the Intelligence Authorization Act for fiscal year 1983 to prohibit U.S. support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America; allowing the Speaker to declare recesses of the House in order to make appropriate arrangements for a secret session; waiving points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974; after completion of the secret session, providing for two hours of general debate in open session; amendments recommended by the Committee on Foreign Affairs to be considered as adopted in the House and in the Committee of the Whole and providing that the bill, as modified, be considered as original text for the purposes of amendment under the five-minute rule; requiring all amendments to be printed in the Congressional Record by July 15, 1983, except an amendment offered by Mr. Wright and an amendment offered by Mr. Michel; allowing 12 hours for the consideration of amendments under the five-minute rule and at the expiration of the 12 hours, the previous question will occur on the pending amendment or amendments; providing a motion to recommit and allowing 30 minutes of debate, equally divided, if a motion to recommit with instructions is offered. Testimony was heard from Chairman Boland and Zablocki, and Representative Robinson.

HEALTH CARE FOR THE UNEMPLOYED ACT

Committee on Rules: Granted a modified closed rule; providing for two hours of general debate on H.R. 3021, Health Care for the Unemployed Act; waiving

section 402(a) (authorization not reported by May 15 prior to start of fiscal year in which it is effected) of the Budget Act against consideration of the bill; providing that the text of H.R. 3521 be made in order as original text, and be considered as read; waiving points of order against the substitute pursuant to section 401(b)(1) (new entitlement authority becoming effective before next fiscal year) of the Budget Act, clause 5(b) of Rule XXI (tax or tariff amendment during consideration of a measure reported by Committee with no tax or tariff jurisdiction) and clause 7 of Rule XVI (germaneness); makes in order an amendment to the substitute to be printed in the Congressional Record of July 12, 1983, by Mr. Bliley, providing 30 minutes debate on said amendment; providing one motion to recommit with or without instructions, and waiving all points of order against instructions except clause 7, Rule XVI. Testimony was heard from Representatives Waxman, Luken, Chairman Rostenkowski, Representatives Tauke, Bliley, Conable, Frenzel, and Gradison.

TAX INCENTIVES FOR NEW ENERGY TECHNOLOGIES

Committee on Science and Technology: Subcommittee on Energy Development and Applications held a hearing on Tax Incentives for New Energy Technologies. Testimony was heard from Senator Matsunaga; Edward Miller, Vice President for Finance, U.S. Synthetic Fuels Corporation, and public witnesses.

Hearings continue July 21.

RESEARCH AND DEVELOPMENT JOINT VENTURES

Committee on Science and Technology: Subcommittee on Science, Research and Technology held a hearing on the following bills: H.R. 1952, to allow businesses to jointly perform research and development and H.R. 3393, to modify the operation of Federal and State antitrust laws for the conducting of certain research and development activities jointly. Testimony was heard from Representatives Synar, Wyden, and Zschau, and public witnesses.

VIETNAM VETERANS AGENT ORANGE RELIEF ACT

Committee on Veterans' Affairs: Subcommittee on Compensation, Pension and Insurance held a hearing on H.R. 1961, Vietnam Veterans Agent Orange Relief Act. Testimony was heard from Representative Ratchford; Harry Walters, Administrator, VA; Maj. Gen. Murphy A. Chesney, Deputy Surgeon

General, Department of the Air Force, and public witnesses.

FAMILIES IN CRISIS: THE PRIVATE SECTOR RESPONSE

Select Committee on Children, Youth, and Families: Crisis Intervention Task Force held a hearing on Families in Crisis: The Private Sector Response. Testimony was heard from public witnesses.

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Wednesday, July 13, 1983

Senate

Chamber Action

Routine Proceedings, pages 9035-19074

Measures Introduced: Eight bills and two resolutions were introduced, as follows: S. 1610-1617, S.J. Res. 128, and S. Res. 173. Page 19043

Measures Reported: Reports were made as follows:

S. 772, to promote public health by improving public awareness of the health consequences of smoking and to increase the effectiveness of Federal health officials in investigating and communicating to the public necessary health information, and for other purposes, with amendments (with additional and minority views) (S. Rept. No. 98-177). Page 19042

Measures Passed:

Tobacco Price Support Freeze: Senate passed H.R. 3392, providing that the 1983 crop of any kind of tobacco for which market quotas are in effect or for which marketing quotas are not disapproved by producers, the support level in cents per pound shall be the support level in cents per pound at which the respective 1982 crop was supported, after agreeing to the following amendment proposed thereto:

Huddleston-Ford Amendment No. 1469, increasing the downward adjustment the Secretary of Agriculture may make in the quota for Burley tobacco and require Section 22 review of tobacco imports under certain circumstances. Page 18942

Role of Japanese-Americans in World War II: Senate agreed to S. Res. 173, recognizing the role of Japanese-Americans in the Second World War. Page 19040

International Child Health: Senate passed S.J. Res. 111, expressing the sense of the Congress with respect to international efforts to further a revolution in child health, after agreeing to Committee amendments thereto. Page 19074